REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing

amendment and the following remarks.

Claims 1-13 were pending in this application. Claims 1, 3, 7, 9, 10, and 12 have been

amended. Accordingly, claims 1-13 will be remained pending herein upon entry of this

Amendment, of which claims 1, 3, and 10 are independent claims. Support for the amendment to

each of the claims can be found at, for example, page 14, lines 24-27, page 18, lines 17-37 and

Figure 7 of the present application. For the reasons stated below, Applicants respectfully submit

that all claims pending in this application are in condition for allowance.

In the Office Action, claims 9 and 12 were rejected under 35 U.S.C. §112, second

paragraph, as being indefinite, claims 1-2, 7-13 were rejected under 35 U.S.C. § 103(a) as being

unpatentable over U.S. Patent 6,684,249 to Frerichs et al. ("Frerichs") and U.S. Patent 6,701,355

to Bhagavath et al. ("Bhagavath"), and claims 3-6 were rejected under 35 U.S.C. §103(a) as

being unpatentable over Frerichs and U.S. Patent 6,771,644 to Brassil et al. ("Brassil") in view of

Bhagavath. To the extent these rejections might still be applied to claims presently pending in

this application, they are respectfully traversed.

Claims 7, 9, and 12 have been amended to address the rejection under U.S.C. §112,

second paragraph. Therefore, Applicants respectfully submit that amended claims 7, 9, and 12

are fully compliant with that statutory provision.

Amended claim 1 relates to a method for sever side insertion of content into streaming

media, and recites, among other things, substituting, in response to a signal associated with

content desired by the user, packets of content to be inserted for packets of content desired by the user, and adjusting the time of at least one packet of content to be inserted to match the time of at least one substituted packet of content desired by the user. This "substituting" feature is also included in amended claims 3 and 10. For example, the method recited in amended claim 3 comprises establishing an offset between the starting point of the break and an initial packet of the prefetched content, the offset being subtracted from a timestamp associated with the initial packet of the prefetched content, removing from the data stream packets corresponding to a length of the break, inserting the perfetched packets into the data stream to replace the removed packets, and adjusting the time of at least one inserted packet to match the time of at least one removed packet. Amended claim 10 recites a decision server responsive to the impending break in the media stream for directing the insertion of content from the source of content to be inserted into the media stream for substantially the duration of the break, wherein data packets of the content received from the streaming server that corresponds to a length of the break are removed and are replaced by the content to be inserted. Furthermore, the insertion process of amended claims 1, 3, and 10 is performed at a server side rather than a user side.

The above "substituting" step has support in the specification. For example, at page 14, lines 21-27, upon receiving a LibStart signal (a start of a break), an insertion Plugin 130 checks whether it has received a list of content to be insert (such as advertisements) in a local file and that it has no error. In a live broadcast model, if the list of content to be inserted has been received and no error, for each Live Source packets which arrives, a request is made to read packets from the local file to be inserted and the Live Source packet is held in a queue. When a

local file packet is successfully read, the time is adjusted to match the current stream time, and

any corresponding packets from the Life Source stream are removed from the queue and

discarded. In this manner, after desired packets of content to be inserted are inserted, the user's

machine continues playing Live Source packets received after the insertion is completed. For an

on demand model, no Live source exists. Content to be played is pre-recorded and is in a form of

XML playlist files.

The method of Frerichs inserts targeted advertisement (i.e., content to be inserted) into

streaming audio at a client location such as a computer rather than a server location, as described

at col. 2, lines 15-17. In addition to this difference, Frerichs further fails to teach or suggest the

"substituting" step of amended claims 1, 3, and 10. As shown in Figure 3 and its corresponding

description, Frerichs provides a first audio data for a first song and a second audio data for a

second song and adds a flag comprising advertisement indication and delay onto the first audio

data so that the flag is between the first audio data and the second audio data. According to

Frerichs, the method retrieves an advertisement 309 from storage, buffers the advertisement and

then provides it for insertion into a streaming audio. Once the flag is found, the method inserts

the advertisement between the first and second audio data so that the method plays the first audio

data, the advertisement, and then the second audio data in order. For Frerichs, the advertisement

can be considered as packets of content to be inserted and both of the first and second audio data

can be considered as packets of content desired by the user, as defined by the present invention.

Therefore, when inserting content to be inserted, Frerichs does not remove the second audio data

and substitute it with the advertisement, i.e., content to be inserted, but delays the playing of the

second audio data. Accordingly, Frerichs fails to teach or suggest <u>substituting</u>, in response to a signal associated with content desired by the user, <u>packets of content to be inserted for packets of content desired by the user</u>, as recited in amended claim 1.

Similarly, Frerichs fails to teach or suggest removing from the data stream packets <u>corresponding to a length</u> of the break, inserting the perfetched packets into the data stream <u>to replace the removed packets</u>, and adjusting the time of at least one inserted packet to match the time of at least one removed packet, as recited in amended claim 3, and a decision server responsive to the impending break in the media stream for directing the insertion of content <u>from the source of content to be inserted</u> into the media stream for substantially the duration of the break, <u>wherein data packets of content received from the streaming server that corresponds to a length of the break are removed and are replaced by the content to be inserted</u>, as recited in amended claim 10.

Bhagavath relates to a method for <u>dynamically</u> inserting advertising/announcements into a streaming media in response to a user request and to a realization of conditions preselected by a source of the advertising/announcements. Bhagavath mainly focuses on how to insert advertising/announcement based on a customer request. Bhagavath, however, fails to teach or suggest the "substituting" feature of amended claims 1, 3, and 10 as mentioned above.

Brassil relates to a seamless insertion of a secondary program within an IP multicast session of a primary program. To do so, when a scheduler process 400 receives an incoming request from a server process for inserting the secondary program such as an advertisement, it schedules an interrupt of a relay process 300. (That is, each insertion request immediately

becomes an interrupter.) Then, the scheduler process receives the value of the advertisement

duration from a server process 500 and informs the relay process 300 to <u>sleep</u> for the specific

duration. (See col. 6, lines 64 to col. 7, line 24 of Brassil.) In other words, when inserting the

advertisement, the relay process 300 <u>stops</u> the playing of the primary program until the insertion

is completed. No "substituting" step recited in amended claims 1, 3, and 10 is taught or

suggested in Brassil. Accordingly, it is respectfully submitted that Brassil fails to teach or

suggest the "substituting" feature of the present invention.

Accordingly, Applicants respectfully submit that it would not have been obvious for one

skilled in the art to combine Frerichs with Bhagavath or Bhagavath and Braasil to achieve the

methods recited in amended claims 1, 3, and 10 because none of Frerichs, Bhagavath, and

Braasil teaches or suggest the "substituting" features of the present invention. Therefore,

Applicants respectfully submit that the pending claims 1, 2, 7-12, and 13 should be patentable

over Frerichs in view of Bhagavath, and claims 3-6 should be patentable over Frerichds and

Brassil in view of Bhagavath.

In view of the foregoing, all of the claims in this case are believed to be in condition for

allowance. Should the Examiner have any questions or determine that any further action is

desirable to place this application in even better condition for issue, the Examiner is encouraged

to telephone Applicants' undersigned representative at the number listed below.

PILLSBURY WINTHROP SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102   Respectfully submitted,
Tel: 703/770-7900693

                                         DAVID COOK ET AL.

Date: April 7, 2006   By: _____
                                         Wan-Ching Y. Montfort
                                         Registration No. 56,127

LDE/CYM/dkp

Customer No. 00909